

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** Chairman Mike Milburn, on March 23, 2009 at 3:00 P.M., in Room 472 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Mike Milburn, Chairman (R)  
Rep. Gordon R. Hendrick, Vice Chairman (R)  
Rep. JP Pomnichowski, Vice Chairman (D)  
Rep. Tony Belcourt (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Jill Cohenour (D)  
Rep. Sue Dickenson (D)  
Rep. Betsy Hands (D)  
Rep. Brian Hoven (R)  
Rep. Mike Menahan (D)  
Rep. Scott Mendenhall (R)  
Rep. Mike Miller (R)  
Rep. Michele Reinhart (D)  
Rep. Kendall Van Dyk (D)  
Rep. Chas Vincent (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Tom McGillvray (R)

**Members Absent:** None

**Staff Present:** Shirley Chovanak, Committee Secretary  
Joe Kolman, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 71, 3/12/2009; SB 427, SB 62,  
3/12/2009; SB 97, 3/12/2009

Executive Action: SB 95

00:00:02 Chairman Milburn

**HEARING ON SB 71**

**Opening Statement by Sponsor:**

00:01:23 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 71, Revise orphan share and environmental quality protection fund laws.

**Proponents' Testimony:**

00:02:53 Sandy Olson, Department of Environmental Quality (DEQ)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:06:05 Rep. Pomnichowski  
00:06:31 Ms. Olson  
00:07:55 Rep. Pomnichowski  
00:08:33 Ms. Olson  
00:10:07 Rep. Pomnichowski  
00:10:39 Ms. Olson  
00:11:02 Rep. Pomnichowski  
00:11:17 Ms. Olson  
00:11:24 Rep. Pomnichowski  
00:11:27 Ms. Olson  
00:11:46 Rep. Pomnichowski  
00:12:12 Ms. Olson  
00:13:24 Rep. Pomnichowski  
00:13:36 Ms. Olson  
00:14:01 Rep. Pomnichowski  
00:14:34 Ms. Olson

**Closing by Sponsor:**

00:15:09 Sen. Erickson

00:16:03 Chairman Milburn

**EXECUTIVE ACTION ON SB 95**

00:16:22 **Motion:** Rep. Pomnichowski moved that **SB 95 BE CONCURRED IN.**

00:16:36 Rep. Cohenour  
00:17:08 Chairman Milburn  
00:17:54 Rep. Cohenour

00:18:37 **Motion/Vote:** Rep. Cohenour moved that **SB 95 BE AMENDED.** Motion passed unanimously by voice vote with Reps. Menahan, Van Dyk, and McGillvray voting by proxy.

**EXHIBIT**(nah64a01)

00:19:14 **Motion:** Rep. Cohenour moved that **SB 95 BE CONCURRED IN AS AMENDED.**

00:19:42 **Motion/Vote:** Rep. Mendenhall moved that **SB 95 BE AMENDED.** Motion carried unanimously by voice vote with Reps. Menahan, Van Dyk, and McGillvray voting by proxy.

**EXHIBIT**(nah64a02)

00:20:29 **Motion/Vote:** Moved that **SB 95 BE CONCURRED IN AS AMENDED TWICE.** Motion carried by roll call vote 14-4 with Reps. Mendenhall, McGillvray, Vincent, and Warburton voting no. Reps. Van Dyk, McGillvray, and Menahan voted by proxy. Rep. Cohenour will carry the bill.

**HEARING ON SB 427**

**Opening Statement by Sponsor:**

00:22:05 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 427, Create the Montana contaminated property compensation and restoration act.

**EXHIBIT**(nah64a03)

**EXHIBIT**(nah64a04)

00:26:00 Rep. Menahan arrives.

**Proponents' Testimony:**

00:29:26 Mark Staples, Representative, Staples Law Firm  
00:37:59 Al Smith, Montana Trial Lawyers Association  
00:41:52 Buck Pandis, Board Member, Montana Petroleum Marketers and Convenience Stores Association (MPMCSA)  
00:42:40 Larry Poulton, President, MPMCSA

00:44:22 Val Jeffries, Regional Director, Holiday Station Stores  
00:45:00 Renn Fairchild, City Service Valcon, Kalispell  
00:46:01 David Slovak, Lewis, Slovak and Kovacichy, PC

**Opponents' Testimony:** None

**Informational Testimony:**

00:49:55 John North, Chief Counsel, DEQ  
00:50:48 Terry Wadsworth, Executive Director, Petroleum Tank  
Release Compensation Board

**Questions from Committee Members and Responses:**

00:51:08 Rep. Reinhart  
00:51:25 Mr. Slovak  
00:52:25 Rep. Reinhart  
00:52:46 Mr. Staples  
00:55:26 Rep. Reinhart  
00:55:30 Mr. Staples  
00:55:38 Rep. Vincent  
00:55:56 Mr. Staples  
00:58:19 Rep. Dickenson  
00:59:02 Mr. Staples  
00:59:53 Rep. Van Dyk arrives.  
01:01:02 Rep. Dickenson  
01:01:37 Mr. Smith  
01:02:25 Rep. Reinhart  
01:03:00 Mr. Slovak  
01:04:50 Rep. Blewett  
01:05:04 Mr. Slovak  
01:05:36 Rep. Warburton  
01:06:04 Mr. Slovak

**Closing by Sponsor:**

01:06:35 Sen. Laslovich  
  
01:08:45 Break  
01:21:10 Resume

**HEARING ON SB 62**

**Opening Statement by Sponsor:**

01:21:25 Sen. Rick Laible (R), SD 44, opened the hearing on  
SB 62, Fix discrepancy in environmental contingency  
account funding.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:24:49 Rep. Hoven  
01:25:12 Sen. Laible  
01:25:33 Rep. Hoven  
01:25:44 Sen. Laible  
01:25:51 Rep. Hoven  
01:26:01 Sen. Laible  
01:26:16 Ms. Olson  
01:27:12 Rep. Reinhart  
01:27:28 Ms. Olson

**Closing by Sponsor:**

01:27:51 Sen. Laible

**HEARING ON SB 97**

**Opening Statement by Sponsor:**

01:28:44 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 97, Revise petroleum tank release laws.

**Proponents' Testimony:**

01:31:13 Mr. Wadsworth  
01:32:44 Ronna Alexander, Executive Director, Petroleum Marketers Convenience Store Association  
01:35:41 Jacqueline Lenmark, American Insurance Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:36:58 Sen. Wanzenried  
01:37:20 Chairman Milburn  
01:39:10 Rep. Cohenour  
01:39:20 Chairman Milburn

**ADJOURNMENT**

01:39:50 Adjournment: 5:00 P.M.

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Shirley Chovanak, Secretary

SC

Additional Documents:

**EXHIBIT ([nah64aad.pdf](#))**